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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,704	12/06/2001	Sang-Ho Ahn	9903-045	8392

7590 08/18/2005

MARGER JOHNSON & McCOLLOM, P.C.
1030 S.W. Morrison Street
Portland, OR 97205

EXAMINER

TRAN, TAN N

ART UNIT PAPER NUMBER

2826

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/008,704

Applicant(s)

AHN ET AL.

Examiner

TAN N. TRAN

Art Unit

2826

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 20-29, 50, 51, 71-80, 82-101, 116, 118, 120-126, 128-132 and 134-142.
Claim(s) objected to: _____.
Claim(s) rejected: 55-64, 66-70 and 133.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Minhloan Tran
**Minhloan Tran
Primary Examiner
Art Unit 2826**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 08/02/05 have been fully considered but they are not persuasive.

It is argued, at pages 15,16 of the remarks, that "the applicant respectfully submits the subject matter of claim 71 that was incorporated into claim 55 does not constitute new matter. This feature is fully supported by the original application, and therefore is not new matter" and "the applicant's amendment of claim 55 to include this feature did not require further consideration and/or search, and the examiner's decision to perform additional consideration and/or search should not have resulted in a final office action to the detriment of the applicant". However, claim 71 is allowable because none of the references disclose or can be combined to yield the claimed invention such as the peripheral part protruding away from the die pad chip attaching part only in a direction away from the semiconductor chip as recited in reason for allowance in page 6 of previous office action sent on 06/02/05, but not allowable because of the bonding wires are directly connected to the portion of the inner leads. Moreover, the claimed structure of claim 71 is different from claimed structure of claim 55. Thus, the amended portion in claim 55 "directly" raises new issue that would require further consideration and/or search. Applicant's amendment necessitated the new ground(s) of rejection presented in the previous Office action. Accordingly, the previous office action was made final. See MPEP § 706.07(a).

It is argued, at page 16 of the remark, that "MPEP 2128 states if an electronic document which is the abstract of a printed publication is relied upon in a rejection under USC 102 or 103, only the text of the abstract (and not underlying document) may be relied upon to support the rejection". However, the Japanese patent translation is not electronic document and examiner provided the attachment translation for applicant easily understands the prior art.

It is argued, at page 17 of the remark, that "Noriyuki does not disclose that Figs. 1-3 are drawn to scale, it is silent as to the dimensions of the features shown in Figs. 1-3, and it does not discuss the thickness of the die pad 1 compared to the leads 3" and "Noriyuki fails to teach the feature of inner leads having a uniform second thickness that is greater than the uniform first thickness of the die pad". However, fig. 2 of Noriyuki does show inner leads of leads 3 having a uniform second thickness that is greater than the uniform first thickness of the die pad 1. see MPEP 2125 states that "Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. In re Mraz, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928)." Moreover, although the reference does not explicitly teach the thickness of each of elements in the specification to provide evidence that thickness of the lead frame 3 is experimentally larger than the thickness of the die pad 1a. However, there is no evidence indicating that the thickness ratio of the inner lead 3 and the die pad is critical and it has been held that it is not inventive to discover the optimum or workable thickness range of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05. Note that the specification contains no disclosure of either the critical nature of the claimed dimensions of any unexpected results arising there from. Where patentability is aid to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).